S.B.CR. MISC. BAIL APPLICATION NO.3547/2006

Date : 28.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. B.S. Rathore for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

In this case, police filed Final Report and thereafter cognizance has been taken of the offence by the learned Magistrate.

The contention of learned counsel for the applicant is that in this case no recovery whatsoever is to be made from the applicant. He further submits that Bansilal has already been granted anticipatory bail by this Court in S.B. Criminal Misc. Bail Application No.3155/2006 vide order dated 26.07.2006.

On the other hand, learned Public Prosecutor has

opposed the bail application but not controverted the fact that police after investigation reached to the conclusion that no case is made out against the applicant.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and the fact that co-accused Bansi Lal has been extended benefit of Section 438 Cr.P.C., I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Bhanwar Lal son of Mukna Ram by I.O./S.H.O. in CR No.12/2005 P.S. Dangiawas, District Jodhpur, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

vijayant